

HOUSE BILL NO. 170

INTRODUCED BY B. WILSON

BY REQUEST OF THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING TECHNICAL CORRECTIONS TO THE LAW ON FUND TRANSFERS RELATING TO CERTAIN VEHICLE TAXES AND FEES; CLARIFYING THE YEARS IN WHICH MONEY FOR THE NOXIOUS WEED STATE SPECIAL REVENUE ACCOUNT AND FOR THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS ALLOCATED; CLARIFYING THE APPLICATION OF THE \$2 ANNUAL SEARCH AND RESCUE SURCHARGE; CLARIFYING THAT VEHICLE COUNTS NECESSARY FOR CERTAIN CALCULATIONS BE DETERMINED FOR VEHICLES EVEN IF VEHICLE REGISTRATION OCCURRED PRIOR TO JANUARY 1, 2004; AMENDING SECTION 15-1-122, MCA, AND SECTION 50, CHAPTER 592, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$75,000 in fiscal year 2003;~~

~~—— (b) \$0 in fiscal years 2004 and 2005;~~

~~(c)~~(a) \$3,050,205 in fiscal year 2006; and

~~(d)~~(b) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(a), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for

1 which a fee is paid pursuant to 61-3-203; and

2 (ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant
3 to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar
4 must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year
5 following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned
6 vehicle removal reimbursement during the calendar year following its payment must be used as provided in
7 75-10-532.

8 (b) to the noxious weed state special revenue account provided for in 80-7-816:

9 (i) \$1 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for
10 which the fee in lieu of tax is paid, as provided for in 23-2-803; and

11 (ii) for vehicles registered or reregistered pursuant to 61-3-321:

12 (A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle
13 weighing more than 1 ton, and motor home; and

14 (B) \$1.50 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and
15 quadricycle; and

16 (C) \$7.50 for each permanently registered light vehicle;

17 (c) to the department of fish, wildlife, and parks:

18 (i) \$2.50 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat,
19 or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be
20 used to acquire and maintain pumpout equipment and other boat facilities;

21 (ii) \$5 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered
22 under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611,
23 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through
24 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of
25 snowmobile facilities;

26 (iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

27 (iv) \$5 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle
28 decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of
29 the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement
30 a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 ~~in~~ through fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and

(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;

(e) to the supplemental benefits for highway patrol officers' retirement account, provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;

(f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;

(g) to the search and rescue account provided for in 10-3-801:

(i) \$2 a year for each vessel ~~{subject to the search and rescue surcharge}~~ fee in 23-2-517;

(ii) \$2 a year for each snowmobile ~~{subject to the search and rescue surcharge}~~ fee in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle ~~{subject to the search and rescue surcharge}~~ fee in 23-2-803; and

(h) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may

1 be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts
2 in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle
3 information is available. Vehicles that are permanently registered may be included in vehicle counts only in the
4 year in which the vehicles are registered by new owners.

5 (5) The amounts transferred from the general fund to the designated recipient must be appropriated
6 as state special revenue in the general appropriations act for the designated purposes."

7
8 **Section 2.** Section 50, Chapter 592, Laws of 2003, is amended to read:

9 **"Section 50. Applicability.** [This act] applies to:

10 (1) registration, reregistration, fees, and taxes on vehicles and vessels registered on or after January
11 1, 2004;

12 (2) vehicle counts for the purposes of 15-1-122(4), regardless of whether a vehicle was registered or
13 reregistered prior to January 1, 2004."

14
15 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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17 NEW SECTION. **Section 4. Retroactive applicability.** (1) [Section 2] applies retroactively, within the
18 meaning of 1-2-109, to the registration, reregistration, fees, and taxes on vehicles and vessels registered on or
19 after January 1, 2004.

20 (2) [Section 2] applies retroactively, within the meaning of 1-2-109, to vehicle counts made after January
21 1, 2004.

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